

The Council of the City of Villa Rica met in a regular scheduled meeting on Tuesday, July 1, 2003 at Villa Rica City Hall. Those present were Mayor Pro Tem Shirley Marchman, Councilmembers Perry Amidon, Verland Best, Woody Holland, and Jeane Williams; City Manager Lamar Moody and City Attorney David Mecklin. Mayor Monroe Spake was absent with prior notification. Approximately 45 people were in attendance.

Mayor Pro Tem Marchman called the meeting to order at 7:30 p.m. The invocation was by Mayor Pro Tem Marchman. All recited the pledge of allegiance.

The minutes from the June 3, 2003 were approved as presented.

Moody read the proclamation for designating July as Recreation Month in Villa Rica. Recreation Director Jeff Reese told the Council that the Georgia Recreation and Parks Association, each year, designates July as Recreation Month. This would be the first time that Villa Rica would be a part of the statewide effort. Reese also unveiled the department's new logo. Recreation Department staff member Walt Cash handed out some of the items the Department will be giving away during the month. Cash talked about the growth of the Recreation Department's track program which has grown from six participants four years ago to over 200 youth today including some who have gone on to the Junior Olympics and/or have been scouted by college recruiters. Best lauded Cash's athletic and coaching abilities, having coached Cash in sports at Villa Rica High School. Williams moved to accept the proclamation, seconded by Best. Motion carried 5/0.

Paul Soudi told the Council that a request for an Alcohol Pouring License for Tornado's Sports Grill has been withdrawn due to problems that arose for the applicants.

Soudi presented RA-6-03, a resubmission of a request to rezone approximately 22.889 acres from Rural Development (R-D) to Planned Development Residential (P-D). The property is located at the intersection of Edge Road and South Wilson Street and is comprised of two tracts south of Edge Road and on both sides of South Wilson Street. This request was postponed by the Council from the May meeting pending review of an engineering report which had been expected to be available in late May or early June, and also a review of water availability. The Council had also requested that Carroll County Fire Chief Gary Thomas be present at this meeting to address the water flow issue. Chief Thomas told the Council that he had met with City officials and had conducted fire flow tests in the area that revealed inadequate fire flow rates in some areas on Edge Road and in Maple Valley. Chief Thomas said the Fire Code requires a minimum of 1000 gallons per minute. He said there is a 12-inch water main on Berry Drive that extends a little way down Edge Road to West Georgia Mobile Hydraulics. He said after measuring the distance from the 12-inch main to the proposed development, he recommended the applicant, in order to comply with the Code, extend an 8-inch main from the 12-inch main to the proposed development; and, prior to final approval by the City, the applicant would have their engineering firm submit to the City and to the Fire Chief's Office, projected flow tests for the entire development. If the engineering firm performs hydraulic analysis and certifies that the main could provide a minimum of

1000 gallons per minute throughout the proposed development then the development could proceed. Holland questioned the inadequate fire flow to Maple Valley Subdivision. Chief Thomas said that at the time that subdivision was constructed the minimum required flow was less than is now required. He also said additional customers added to the line since the subdivision was built had contributed to lessening the flow. The Council discussed the benefits of possibly requiring a 10-inch line, with the City picking up the difference, and the possibility of that action correcting the fire flow rate in Maple Valley. Williams asked about the City's water supply availability. Moody said the City has just negotiated a 40-year contract with Carroll County Water Authority and will meet with Douglas County next week for a similar arrangement. Williams expressed concern of being cut off by either Authority should their own needs exceed their respective water capacities. Best pointed out that approximately 4000 dwelling units, not yet under construction, have already been approved by the City for future construction. After further discussion by the Council, Mayor Pro Tem Marchman opened the floor for public comment. Janet Heilman [44 Maple Valley Drive] spoke in opposition due to flooding and storm water runoff. Danny Carden, 421 Edge Road, who had presented a packet in the May meeting, pointed out an aerial map of the area, which had been included in that packet, with the existing houses circled. His concern is the number of houses proposed for this development. Mike Gill, 465 Daniel Road, opposes the project because it doesn't comply with the City's Zoning Ordinance for PUD. Dallas Champion [5784 Lake Forest Drive, Atlanta], the developer, told the Council that, since the hearing has been reopened, he wanted to reserve the right to have a constitutional challenge in the event the application was denied. Champion said he has tried to work with the City to present a project that makes sense and of which he is proud. Champion said he has already agreed to pay over \$25,000 for sewer upgrades, agreed to run a water line that will also benefit Maple Valley, and agreed to increase the original unit size from 1200 square feet to 1600 square feet. Howard Ray, engineer for the project, addressed the Council concerning water quality issues. He said they would be using Best Management Practice rules for silt detention, erosion control and the prevention of downstream contamination. If the City requires it, he will also do Water Quality. He believes the engineering plan will be adequate to prevent any down stream flooding barring any major event such as a dam break or a 500-year flood. As to greenspace, he said the project calls for recreation areas, grills, picnic tables and a gazebo. Additionally, they will be providing sewer to the area as well as a pump station from the basin to the [wastewater treatment] North Plant. Mayor Pro Tem Marchman closed the floor and returned the discussion to the Council. Holland asked Mecklin about a document Champion handed to City Clerk Jane Chastain, who passed it on to the Council. Mecklin explained it was a document pertaining to the aforementioned constitutional challenge. He said the Council should consider the rezoning request based upon the criteria set forth in the City's zoning ordinance and apply judgment based on the ordinance. If there is a challenge made against whatever action the Council takes, the City will deal with it at that time. But for now, the Council should not base a decision on the document. Williams asked Champion if he would consider larger lots. Champion said that due to the amount of money the applicants would have to spend on sewer and water improvements it would not be financially feasible. After a brief discussion, Holland moved to deny the request, seconded by Best. Motion carried 5/0.

Soudi presented RA-8-03, a resubmission of a request to rezone approximately 0.30 acres from Single-Family Residential (R-20) to Light Industrial (LI). The property is located on the northwest corner of the intersection of North Candler and Church Streets. The applicant, Rex Camp, is seeking rezoning to bring the property's use and the City's zoning into conformity with one another. This application had been tabled from the May meeting and again from the June meeting in order for Council to look over the list of allowable uses for LI and make any necessary restrictions or exemptions. Moody told the Council he has worked with Camp on a list of exemptions from the LI zoning. Best moved to rezone RA-8-03, Camp Cap Company, to LI from R-20 with the following exceptions: the property cannot be used for an amusement park, animal hospital, bar/nightclub/tavern, bus station, cemetery, convenience store 1 & 2, college/university/junior college, flea market, gas station, government building, kennel, rail station, recycling collection station, veterinary clinic. The motion was seconded by Holland. Mecklin requested that the minutes reflect that the public hearing for RA-8-03 was held at the May and June council meetings. Motion carried 5/0.

Soudi told the Council that RA-9-03 is still under arbitration with Douglas County and needs to be postponed until August.

Soudi presented RA-10-03, a request to rezone approximately 0.33 acres from Commercial-Residential (C-R) to General Commercial (G-C). The property, located on the southeast corner of U S Highway 78 [a.k.a. Georgia Route 8, Bankhead Highway] and South Carroll Road, currently is and historically has been used for pet & dog grooming. Since this use is not allowable under the current zoning, the applicant, Buena C Taylor, wishes to rezone in order to bring the use into compliance with the City's zoning code. Soudi said the Planning and Zoning Commission unanimously recommended approval. Mayor Pro Tem Marchman opened the floor for public comment. There being none, the floor was closed. Best moved to accept the request, seconded by Holland. Motion carried 5/0.

RA-11-03 was postponed until the August meeting in order to be reviewed in the Development Regional Impact process.

Moody presented the 2<sup>nd</sup> reading for the zoning reversion ordinance removing Section 16.4-7 of Article 16 of the Zoning Ordinance in its entirety to be replaced by Section 16.22. Mayor Pro Tem Marchman opened the floor for public comment. Mecklin explained the reasons for the need of the change stating the current wording allows the City to take action to revert zoning without providing for a public hearing. The new wording will be more legally compatible. Mike Gill, 465 Daniel Road, spoke in favor of the revision and asked what will now happen to the four such situations recently identified. Moody said there are efforts underway to deal with each of them. There being no further comments, the floor was closed to public comment. Best moved to accept the ordinance, seconded by Williams. Motion carried 5/0.

Moody presented the 1<sup>st</sup> reading of the ordinance adopting the Georgia Department of Community Affairs' Water Resource Districts Article and The City of Villa Rica Reservoir Management Plan Section. The second reading is to be held at a special called

meeting on July 8 due to the time frame required on compliance and the late manner in which the paper work was received by the City.

Moody presented the City's budget format changes and introduced Larry Wood, City Accountant, to explain the format changes which are currently being designed. Wood said the new format will better define each department's monthly income and expenditures easily showing overages or shortages as well as year-to-date totals. This, he said, required an actual programming change by Caselle, the City's accounting program company and should be online before the next council meeting.

Moody presented a resolution in which the Council would give approval to the City Manager to sign, on behalf of the City, the SPLOST contract with Carroll County when it is ready for signing. Williams moved to approve the resolution giving Moody authority to sign the SPLOST contract on behalf of the City, seconded by Best. Motion carried 5/0.

Moody presented a resolution in which the Council would grant approval for the City Manager to sign, in the absence of the Mayor, DOT documents pertaining to the State' Local Assistance Road Program. The LARP documents would allow the DOT to provide assistance for the improvement of selected City roadways provided the City guarantee provisions for proper maintenance after completion of the improvements including any necessary relocation of utilities and clearing and cleaning of ditches associated with those roadways. Amidon moved to accept the resolution, seconded by Best. Motion carried 5/0.

Moody presented a contract which would be between Douglas County and the City of Villa Rica for the continuance of tax billing and collections by Douglas County on behalf the City. Moody said this is the standard contract currently in place between the agencies. Williams moved to accept, seconded by Best. Motion carried 5/0.

Moody presented the resolution to correct a typographical error in the water rate change approved at the June meeting. Amidon moved to accept the resolution, seconded by Best. Motion carried 5/0.

CITY UPDATE: Moody said the City is continuing to bring the budget inline. He wanted to give a public thank you to all the city employees who worked so hard and came together in order to make the budget work. Moody said the city would be seeing a lot more of water quality due to the West Georgia Watershed Assessment. The WGWA document will be submitted to the State EPD in October for approval. Moody said the City's wastewater treatment plants affect several area watershed basins and it is important to continue monitoring water quality both upstream and downstream of the plants.

Best proposed forming a committee, comprised of a couple of members each of Planning & Zoning and City Council, the City Manager and the Planning and Zoning Director, in order to determine the correct procedure for handling the issue of non-conformity brought about when existing businesses were lumped into residential zoning districts. Holland asked how that could be facilitated. Moody suggested that a small group sit down and determine the appropriate zoning for each of these businesses and

get back with the Council on it. Several Councilmembers verbally agreed that this was appropriate.

Mayor Pro Tem Marchman opened the floor for public comment. Dennis Lingle, 675 Punkintown Road, told the Council that the Planning and Zoning Commission has become a joke. The P&Z approves things that the Council disapproves, and vice versa. He said he could not understand why the Council turned down [RA-6-03] when the P&Z took the time and effort to consider it and recommend approval of it. Lingle said he got involved in the Planning and Zoning Commission in order to make a difference but it seemed to him the Council put more consideration into who the applicant knows or how "well heeled" he or she is than they put into what the P&Z recommends. Lingle said he is seriously considering resigning from the Commission because he feels he is wasting his time. Several councilmembers expressed their appreciation for Lingle's involvement in the Commission. There being no further comments, the floor was closed.

Williams moved to adjourn to Executive Session for the purpose of discussing pending litigation and personnel matters, seconded by Holland. Motion carried 5/0. Adjourned at 9:05pm.

Motion to reconvene made by Best, seconded by Amidon. Motion carried 5/0. Reconvened at 9:50pm. No action was taken in Executive Session.

With no further business, Best moved to adjourn, seconded by Amidon. Motion carried 5/0. Meeting was adjourned at 9:55pm.

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Shirley Marchman – Mayor Pro Tem

ATTEST:

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Lamar Moody – City Manager